UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '07 MJ 2826
v.	COMPLAINT FOR VIOLATION OF:
Jose Armando RAMIREZ-Gonzales, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 4, 2007** within the Southern District of California, defendant, **Jose Armando RAMIREZ-Gonzales,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th** DAY OF **DECEMBER, 2007**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Armando RAMIREZ-Gonzales

PROBABLE CAUSE STATEMENT

On December 4, 2007, Senior Patrol Agents J. Bravomejia, J. Alvarado, T. McLaughlin, and S. Lucatero were performing uniformed patrol duties in and around Jacumba, California. At approximately 7:30 P.M. Agent Bravomejia was operating a night-vision scope from Jacumba Peak when he observed a group of five people walking through rural terrain near an area known as Airport Mesa. Agent Bravomejia directed the other agents to intercept the group near the base of Airport Mesa. This area is near the intersection of Old Highway 80 and Carrizo Gorge Road, which is approximately 28 miles east of the Tecate Port of Entry and 300 yards north of the United States/ Mexico International Boundary.

The agents arrived at the intersection and found the five people hiding in some bushes approximately 25 yards south of Old Highway 80. Agent McLaughlin identified himself as a Border Patrol Agent to all five, including one later identified as the defendant **Jose Armando RAMIREZ-Gonzales,** and questioned all five as to their citizenship and nationality. All five admitted to being citizens and nationals of Mexico. Each person further admitted to not having immigration documents that would allow them to enter or remain in the United States legally. Agent Mclaughlin placed all five under arrest and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 13, 2006** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of Miranda Rights, and he agreed to provide a statement without the presence of an attorney. The defendant stated that he is a citizen of Mexico. The defendant stated that he was formally deported to Mexico by an Immigration Judge. The defendant admitted that on this occasion he was smuggling the other aliens into the United States for a man named "Raul", and was to be paid $100.00 USD for each alien he guided.